

December 28, 2009

The Common Council met as the Water Utility Board at 7:00 p.m. on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Askren, Fuelling, Hoehn, Curtis, and Higgins attending. Others attending were Supt. Gray; Attorney Higgins; Chief Waters; Chief Beloit; Richard and Martha Stratton; Debbie Bennett Stearsman – Economic Development Coalition; April Stewart; Larry Williams; Pam Robinson – Posey County News; and arriving during the meeting, Comm. Maynard.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented. Board member Higgins moved the reading of the minutes be waived and they be approved as presented. Seconded by Board member Curtis.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker requested action on the claims presented.

Board member Fuelling moved the claims presented be allowed for payment. Seconded by Board member Askren.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they will now hear the report of the Water Chairman.

Chairman Curtis stated he has no report.

Supt. Gray stated he has no report.

Mayor Tucker asked if there were questions ?

There were none.

Mayor Tucker stated they have the Financial Report before them and any questions could be directed to Bookkeeper Bennett.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Board ?

Clerk-Treasurer Wolfe replied not at this time.

Mayor Tucker stated they are now ready for the Legal portion of the Agenda.

Attorney Higgins stated she was contacted by Bookkeeper Bennett this morning about a shortage in the Water Operating & Maintenance Funds. She added additional funds are needed to pay bills this month, to the tune of \$50,000. She then stated there will be two separate actions required – one is a Transfer Resolution from the Water Debt Service Reserve account of \$13,400 and the other is a Resolution of Loan of \$36,600 from the Water BAN's Construction account. She further stated the Debt Service Reserve account is funded every month and they are required to have, at all times, a balance of six months of transfers. She then stated the loan from the BAN's Construction account is to be paid back as soon as possible, or by June 30, 2010. She added the rate increase is still not in effect yet, as they are waiting for

Keystone to make the changes to the program, but once the increase kicks in, hopefully that will mean the end to these loans and transfers.

Board member Curtis stated the financial situation is not good, which is the reason for the increase. He then moved the Utility Board recommend passage to the Common Council of both resolutions. Seconded by Board member Fuelling.

Mayor Tucker asked if there was any discussion ?

Board member Hoehn questions the use of the funds from the BAN's Construction account – are those funds earmarked for on going construction ?

Attorney Higgins replied yes, it is the proceeds from the BAN's, and though there are a few items that remain, this loan will not hinder any further construction.

Board member Hoehn thanked Attorney Higgins for the clarification.

Comm. Maynard arrived at the meeting.

Mayor Tucker asked if there was any further discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with the Board voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Mayor Tucker stated under the Audience portion of the Agenda is April Stewart.

Ms. Stewart approached the podium and stated she is present tonight to request a water adjustment. She continued by stating the November 1 billing was \$225.00 and their December 1 billing was \$83.85. She added their home is heated by a boiler system and it had been leaking, though it has now been fixed. She stated they paid \$2,000 for the repair and they have already paid the water bill.

Mayor Tucker added the address of the residence is 231 N. Edson.

Board member Hoehn asked if she has now received a correct bill ?

Supt. Gray replied yes, she has and being that she already paid the bill, she had to come and ask for the adjustment before the Utility Board.

Board member Hoehn moved the adjustment be allowed. Seconded by Board member Curtis.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with the Board voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Mayor Tucker asked if anyone else in the Audience wished to address the Board ?

There was no response.

Ms. Stewart left the meeting.

Mayor Tucker asked if there was any Old Business ?

There was none.

Mayor Tucker stated under New Business, the Board needs to designate a newspaper for Utility Board/Water publications for 2010.

Board member Askren moved the Board designate the Mount Vernon Democrat. Seconded by Board member Higgins.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn.

Board member Askren moved the meeting be adjourned. Seconded by Board member Fuelling.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

John Tucker
Mayor

ATTEST:

Cristi L. Wolfe
Clerk-Treasurer

December 28, 2009

The Common Council met immediately following the Water Utility Board on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Askren, Fuelling, Hoehn, Curtis, and Higgins attending. Others attending were Supt. Gray; Attorney Higgins; Chief Waters; Chief Beloat; Richard and Martha Stratton; Debbie Bennett Stearsman – Economic Development Coalition; Larry Williams; Pam Robinson – Posey County News; and Comm. Maynard.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented. Councilwoman Higgins moved the reading of the minutes be waived and they be approved as presented. Seconded by Councilman Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they will now hear the reports of the Standing Committees.

Street & Light Chairwoman Hoehn stated she has no report.

Comm. Maynard stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Police & Dog Chairwoman Askren stated she has no report.

Chief Beloat stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Fire Chairman Fuelling stated he has no report.

Chief Waters stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Sewer Chairwoman Higgins stated she has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Council ?

Clerk-Treasurer Wolfe replied not at this time.

Mayor Tucker stated they are now ready for the Legal portion of the Agenda.

Attorney Higgins stated the first item is the 3rd reading of the Ordinance Establishing Salaries and Wages for the Elected Officers of the City of Mount Vernon for the Year Ending December 31, 2010.

Councilman Curtis moved the ordinance pass third reading. Seconded by Councilwoman Hoehn.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Clerk-Treasurer Wolfe added it will be numbered 09-34.

Attorney Higgins stated the next item is the 2nd reading of the Ordinance Enacting and Adopting a Supplement to the Code of Ordinances for the City of Mt. Vernon, Indiana, and Declaring an Emergency.

Councilwoman Askren moved the ordinance pass 2nd reading. Seconded by Councilman Curtis.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Councilwoman Higgins moved the rules be suspended. Seconded by Councilman Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Councilwoman Askren moved the ordinance pass 3rd reading. Seconded by Councilman Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;
Curtis – yes; Higgins – yes.
Mayor Tucker stated the motion carried unanimously.
Clerk-Treasurer Wolfe added it will be numbered 09-35.

Attorney Higgins stated the next item is the 2nd reading of the Ordinance Creating an Economic Development Income Tax Fund of the City of Mt. Vernon, Indiana. She explained that once the EDIT money starts coming in, hopefully in May next year, Clerk-Treasurer Wolfe will have a fund in which to deposit the money.

Councilman Curtis moved the ordinance pass 2nd reading. Seconded by Councilman Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Councilwoman Hoehn moved the rules be suspended. Seconded by Councilwoman Askren.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Councilwoman Hoehn moved the ordinance pass 3rd reading. Seconded by Councilman Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Clerk-Treasurer Wolfe added it will be numbered 09-36.

Attorney Higgins stated the next item for consideration is the 2nd reading of the Ordinance to Amend the City of Mt. Vernon Code of Ordinances, Title 7, Chapter 74-Traffic Schedules, Schedule VII – Weight Regulations (C).

Councilwoman Askren moved the ordinance pass 2nd reading. Seconded by Councilman Fuelling.

Mayor Tucker asked if there was any discussion ?

Councilwoman Higgins stated she did have a company contact her and ask her how this would possibly affect their business. She stated she then explained what the ordinance actually did, and he was fine with that.

Mayor Tucker then requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Councilwoman Higgins moved the rules be suspended. Seconded by Councilman Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Councilwoman Higgins moved the ordinance pass on 3rd reading. Seconded by Councilman Curtis.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Clerk-Treasurer Wolfe added it will be numbered 09-37.

Attorney Higgins stated the next item is the 2nd reading of the Ordinance to Vacate a Public Right-Of-Way and the Strattons are present this evening if anyone has any questions. She also reminded the Council that the vacation will not affect any utilities located in the easement area.

Councilman Curtis moved the ordinance pass 2nd reading. Seconded by Councilman Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Councilman Curtis moved the rules be suspended. Seconded by Councilman Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Councilman Curtis moved the ordinance pass on 3rd reading. Seconded by Councilman Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Clerk-Treasurer Wolfe added it will be numbered 09-38.

Attorney Higgins stated next is the Ordinance to Extend the Payback of the 2009 Tax Anticipation Warrants. She explained for several weeks Clerk-Treasurer Wolfe has been working with Umbaugh on this and the next two days she will be getting money wired into the city account and then wiring money out to pay the warrants. She also stated Park & Rec., MVHF, and CCDF received enough of a tax advance to pay their warrants off, the General Fund did not. On December 30, \$598,000 will be wired into

the city account and along with the General Fund advance, that will pay off the General Fund warrant. This Ordinance extends the payback of the \$598,000 to April 30, 2010.

Councilwoman Hoehn stated she contacted DLGF about their best guess as to when Mt. Vernon's spring tax installment may be going out, and they indicated not until July, if all assessments were in by December 31, 2009.

Attorney Higgins stated with that in mind, the city will more than likely need more tax anticipation warrants to get through until that time.

Councilman Curtis moved the ordinance pass 1st reading. Seconded by Councilwoman Hoehn.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Councilman Curtis moved the rules be suspended. Seconded by Councilwoman Hoehn.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Councilman Curtis moved the ordinance pass on 2nd and 3rd readings. Seconded by Councilwoman Hoehn.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Clerk-Treasurer Wolfe added it will be numbered 09-39.

Attorney Higgins stated the next item on the Agenda deals with inter-department loans for Park & Rec and MVHF that can not be paid back this year and therefore, need to be extended. These same loans were from 2008 and were extended once previously. They can now extend for another six months, making them due June 30, 2010. She added a resolution has not been prepared at this time, but Council can give verbal approval to do so.

Councilwoman Hoehn moved approval to extend the payback, with Resolution to follow, be given.

Seconded by Councilman Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Attorney Higgins stated the next item is a Public Hearing to be held on the Silo Demolition Grant Application process.

Ms. Stearsman approached the podium and asked that Mayor Tucker call the Public Hearing to order. Mayor Tucker then called to order the Public Hearing and asked if anyone in Audience had any questions or comments on the project ?

There was none.

Ms. Stearsman stated she is with the EDC and through them, the city plans to apply for said grant January 8, 2010, a Community Development Block Grant, for the demolition and clearance of the J R Short Milling Silo and Storage Site. She added the grant is a \$500,000 grant, with the city putting in \$112,000 of non CDBG funds through fundraising and donations. She then asked if anyone had a comment to please step up to the microphone for clarification in her minutes.

There was no response.

Ms. Stearsman then reviewed the following timetable with Council:

PROJECT COMPLETION TIMETABLE

Beginning with the application submission date, outline below a reasonable timetable for project completion. Include all significant milestones, emphasizing those related to plans, permits, bids, contracts, financing, and acquisition of property, construction, and completion.

Town Procures Grant Writes	In Process
Town conducts 1 st Public Hearing	Complete
Town Begins Environmental Review	In Process
Town submits CFF Proposal	January 8, 2010
Town conducts site visit with IORA	February, 2010
Environmental Review Process Complete	Complete
Town conducts 2 nd Public Hearing	February, 2010
Town submits CFF Applications	March, 19, 2010
Town receives grant	May, 2010
Advertise for Bids	May, 2010
Receipt of Bids	June, 2010
Obtain Release of Funds	July, 2010
Award contract/begin clearance/demolition	August, 2010
Completion of clearance/demolition	October, 2010
Administrative Close Out	November, 2010

Ms. Stearsman asked if there were any questions or comments ?

There were none.

Again, Ms. Stearsman asked for questions.

Attorney Higgins stated the silo demolition is very important to Phase I of the riverfront project, as they must be gone in order to proceed. She added Councilman Fuelling has done a great job on the fundraising efforts for this, he has worked tirelessly.

Councilman Fuelling stated the donations they have received are great and shows tremendous initiative.

Mayor Tucker agreed and added because they have come from the entire community.

Ms. Stearsman added letters in support of the project are also very important in the grading/rating of the project in terms of the grant. Any letters the city can get in would be very helpful.

Larry Williams approached and stated he supports the silo demolition project 100% and the Chamber of Commerce will start the ball rolling with the letter writing campaign tomorrow, Council has his word on that.

Mayor Tucker stated at this time, he will now close the Public Hearing.

Councilman Fuelling moved the Council authorize Mayor Tucker to submit the proposal and acknowledge that Ms. Stearsman is taking the minutes for the Public Hearing. Seconded by Councilman Curtis.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Attorney Higgins stated they will now revisit the Water with action on the Resolution Authorizing the Transfer of Certain Funds into the Water Operating & Maintenance Fund - \$13,400 – from the Water Debt Service Reserve Fund. She added passage was recommended by the Water Utility Board.

Councilwoman Hoehn moved the Resolution be passed. Seconded by Councilwoman Askren.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Clerk-Treasurer Wolfe added it will be numbered 09-40.

Attorney Higgins stated the next Resolution is a Resolution Authorizing Temporary Loan of Funds from the City of Mt. Vernon Water BANS Construction Fund to the Water Operating & Maintenance Fund - \$36,600 – as recommended by the Water Utility Board.

Councilwoman Hoehn moved the Resolution pass. Seconded by Councilman Curtis.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Councilman Curtis made reference to obstructions – no obstruction should be beyond an individuals business and should set back so far from the corner of the intersection.

Councilwoman Higgins agreed, “sidewalk sales” should be restricted to just in front of the individuals store front. She then wondered if anything of these restrictions would put the River Days Festival in violation ?

Councilwoman Askren replied the River Days have to come before the Board of Works anyway for permission to use the city streets.

Attorney Higgins state the rules would differ for events, especially when the entire street is blocked off.

Mayor Tucker suggested Attorney Higgins get a rough draft of an ordinance together and they can go from there. He then asked if there was any other Old Business ?

There was none.

Mayor Tucker stated under New Business, they need to designate a newspaper for Council publications.

Councilwoman Askren moved they use the Mount Vernon Democrat. Seconded by Councilman Curtis.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Mayor Tucker stated they will now hear the reports of the Districts.

1st District Councilwoman Askren stated she has no report.

2nd District Councilman Fuelling stated he has no report.

3rd District Councilwoman Hoehn stated she received a call from a long time Mt. Vernon citizen concerned about Smith Road and the cars parked on it. She added he was especially concerned about the situation during the summer months with so many kids going to Brittlebank Park. She wondered if there were any possible alternatives. She then stated that she understands doing something about the parking could be an issue for the homeowners on Smith Road as well, especially those with teenagers having multiples vehicles. In the summer there are also boats parked along the road, and again, the caller was just concerned.

Councilwoman Higgins agreed Smith Road is a very busy road and used a lot by walkers, runners, etc. She wondered if there could be some kind of path put in on the park side ?

Councilman Curtis stated he understands their concern, but there are lots of streets just like that around town, Vista comes to mind. He did acknowledge the difference with Smith Road is the ditch on one side.

Councilwoman Hoehn wondered about painting lines on Smith Road, a center line and then a line for parking, that might eliminate larger vehicles from parking on the street.

Attorney Higgins stated she would have to defer to Comm. Maynard as to if the road would be wide enough to do that.

Councilman Fuelling stated the new sidewalk trail could be an encouragement and would help, it would provide some relief. He then stated folks just need to be courteous and take their time.

Councilwoman Hoehn stated they should just wait until summer and see if the problems persists.

4th District Councilman Curtis stated he has no report.

Councilwoman-at-Large Higgins stated she has no report.

Mayor Tucker stated year-end reports are due January 25, 2010 and they need to provide 10 copies. He then stated if there was nothing further, he entertained a motion to adjourn.

Councilman Fuelling moved the meeting be adjourned. Seconded by Councilman Curtis. Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

John Tucker
Mayor

ATTEST:

Cristi L. Wolfe
Clerk-Treasurer